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Letter dated 3 May 2004 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement about Cyprus issued by the Ministry of Foreign Affairs of Turkey on 1 May 2004 (see annex).

I should be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

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Annex to the letter dated 3 May 2004 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

1 May 2004

STATEMENT BY THE MINISTRY OF FOREIGN AFFAIRS OF TURKEY

1. Ten new members will be joining the EU on 1 May 2004. The unique case of Cyprus, which will become a member of the EU, is recognized in the report of the UN Secretary General of 1 April 2003, which was endorsed by the UN Security Council, in the following terms: "Cyprus is unique among EU candidate countries as a standing item on the Security Council agenda and emerging from a context of conflict."

2. The last round of efforts to reach a comprehensive settlement to reunify the Island was conducted under the good offices mission of the UN Secretary General since 1999. The main objective of this endeavor was to enable the Turkish Cypriot side and the Greek Cypriot side to reach a comprehensive settlement and bring into being a new state of affairs in Cyprus. It was considered that such a solution before 1 May 2004 would be in the interest of all concerned, and in the interest of international peace and security. It would have constituted the only means by which Cyprus could enter the European Union united on 1 May 2004.

3. The European Union has repeatedly expressed its strong preference for the accession of a reunited Cyprus and its support to the good offices mission of the UN Secretary-General and has made specific commitments to encourage and promote such an outcome.

4. During the final round conducted in Switzerland on 31 March 2004, the UN Secretary-General finalized the plan on the comprehensive settlement of the Cyprus problem to be submitted on each side for approval at separate and simultaneous referenda, in close consultation with the two parties in Cyprus and with Greece and Turkey.

The Foundation Agreement envisaged the establishment of a United Cyprus, based on a new bizonal partnership, with a federal government and two constituent states, namely the Greek Cypriot State and the Turkish Cypriot State. It is stipulated that "the Constituent States are of equal status, each of them exercises its authority within its territorial boundaries."

Furthermore, the Main Articles of the Foundation Agreement envisaged that "the Greek Cypriots and the Turkish Cypriots affirmed that Cyprus is their common home and acknowledged each other's distinct identity and integrity and that their relationship is not one of majority and minority but of political equality, where neither side may claim authority or jurisdiction over the other.

5. The EU Commission was present at the final stage of the negotiations in Switzerland and the EU commitments with regard to the comprehensive settlement were agreed upon between the parties and the EU Commission.

In the agreed text it was explicitly stated that „the basic principles of the EU have found their expression in the Foundation Agreement which introduced a new state of affairs in Cyprus and allows its peaceful integration into the EU." In this context, „the political equality of Greek Cypriots and Turkish Cypriots and the equal status of the two constituent states" were also underlined.

6. It was agreed to put the comprehensive settlement to separate simultaneous referenda, in order to enable the Turkish Cypriots and Greek Cypriots to exercise their inherent constitutive power, and adopt a settlement by their free and democratic, separately expressed common will.

7. The referenda were held in Cyprus on 24 April and overwhelming majority of Turkish Cypriots voted in favor of the UN Secretary-General's settlement plan which would have allowed for a united Cyprus to join the EU on 1 May 2004. However, the Greek Cypriots rejected it with a 75 percent majority, and efforts to allow a unified Cyprus to join the EU thus failed. In consequence, the Comprehensive Settlement Plan of the UN Secretary General has become null and void, in accordance with the relevant provisions of the Plan.

The Turkish Cypriot people have exercised their inherent constitutive power and expressed, through transparent and democratic process of referendum, their wishes for their political future within the EU as constituent partner of a united Cyprus. It is now incumbent on the EU to acknowledge and act upon the free and genuine expression of the will of the Turkish Cypriot people in this regard.

The separate simultaneous referenda held in Cyprus on 24 April 2004 underline the fact that there exist two separate peoples on the island, neither of which represents the other. Consequently, it would constitute an untenable claim that there is a single authority to represent the whole island, disregarding the reality that any solution on the island requires the consent of both sides.

8. In view of these facts and circumstances, it is only the Greek Cypriots who will enter the EU on 1 May 2004 under the terms of the Accession Treaty of 16 April 2003, which was based on a political and legal situation of a divided Island and consequently does not allow for accession of a united Cyprus to the EU. Thus, an international conflict is inevitably being imported into the European Union.

9. The Greek Cypriots, who will join the EU on 1 May 2004, have no authority to represent the whole of Cyprus or the Turkish Cypriots. They cannot claim authority, jurisdiction or sovereignty over the Turkish Cypriots, who have equal status, or over the entire Island of Cyprus. They cannot impose the „Republic of Cyprus" on the Turkish Cypriots. Thus, the Greek Cypriots who organized themselves under their own constitutional order and within their boundaries cannot be the legitimate government representing the whole of Cyprus and the Turkish Cypriots.

10. Turkish Cypriots, as a people who organized themselves under their constitutional order within their territorial boundaries, exercise governmental authority, jurisdiction and sovereignty. Turkey's recognition of the Turkish Republic of Northern Cyprus will remain unchanged.

11. The accession of Southern Cyprus cannot prejudice in whatsoever manner the rights and obligations of Turkey regarding Cyprus under the 1960 Treaties.

12. The official position of the Turkish Government on the political and legal situation and circumstances that have arisen as a result of Greek Cypriot rejection of the comprehensive settlement is based on these fundamental considerations, and legal and political facts.